

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12625, of the H Street Building Corporation, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 5102) to permit an auto painting and body repairs business in the C-2-A District at the premises 934 Michigan Avenue, N.E., (Square 3822, Lots 803 and 810).

HEARING DATE: April 19, 1978
DECISION DATE: May 3, 1978

FINDINGS OF FACT:

1. The subject property is located at 934 Michigan Avenue, N.W., and is in a C-2-A District. It faces the Michigan Avenue bridge ramp.

2. The subject site is improved with a 10,000 square feet one story brick and steel building which is presently vacant.

3. The last certificate of occupancy No. B81597, dated April 13, 1972, granted the use of the subject building as a garage and offices, first floor.

4. The previous uses of the subject premises were as storage barns for trucks, the repair thereof and offices connected with the truck companies.

5. Adjoining the subject site is an EXXON gas station where light auto repair work is done and a car barn for D.C. Transit where certain auto maintenance is done.

6. The applicant's property is zoned C-2-A. The adjoining property with which the applicant's building shares a common brick wall, is zoned C-M.

7. The applicant has a tenant for his property subject to the subject variance being granted.

8. The applicant's tenant seeks to establish an auto painting and body repair business. The tenant is operating two other similar business in the District of Columbia.

9. The prospective tenant's hours of operation will be from 7:30 A.M. to 6:P.M., monday through friday, and 9:00 A.M. to 1:00 P.M. saturday.

10. From five to nine cars will be repaired and painted on a daily basis. Painting is done on a scheduled basis throughout the day. There is no heavy machinery so that only light auto body work would be done. No large amount of combustibles will be stored on the premises.

11. There is ample parking at the subject location.

12. There are no residences within approximately 1,500 feet of the site.

13. There was no opposition to the application.

14. Advisory Neighborhood Commission 5A made no recommendation on the application.

CONCLUSIONS OF LAW:

The Board concludes that the requested variance is a use variance, the granting of which requires the showing of an extreme hardship related to this particular property. The Board concludes that the nature of the building itself, the nature of the previous uses of the building and the nature of surrounding use and zoning, combine to make it unlikely that the subject premises could be used for a purpose permitted in the C-2-A District.

Based on the Findings of Fact, the Board concludes that because of the exceptional situation or condition of this specific peice of property, the strict application of the Zoning Regulations would result in exceptional and undue hardship upon the owner of the subject property. The Board further concludes that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the Application is GRANTED.

VOTE: 4-0 (Charles R. Norris, Chloethiel Woodard Smith, William F. McIntosh and Leonard L. McCants).

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ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

FINAL DATE OF ORDER: 1 JUN 1978